

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

EDWARD A. WILLIAMS,
Plaintiff,

v.

WILLIAM P. BARR, Attorney General of the
United States; THOMAS E. BRANDON,
Deputy Director and Acting Director of the
Bureau of Alcohol, Tobacco, Firearms and
Explosives; CHRISTOPHER A. WRAY,
Director of the Federal Bureau of
Investigation; and the UNITED STATES OF
AMERICA,
Defendants.

CIVIL ACTION

No. 17-2641

DEFENDANTS' NOTICE OF REQUEST FOR TAXATION OF COSTS

Pursuant to Federal Rule of Civil Procedure 54(d)(1), 28 U.S.C. § 1920, and Local Rule 54.1, with Judgment entered by the district court on April 1, 2019 in favor of Defendants (Doc. 44), Defendants William P. Barr, Attorney General of the United States; Thomas E. Brandon, Deputy Director and Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Christopher A. Wray, Director of the Federal Bureau of Investigation; and the United States of America provide this written notice of their request for taxation of costs against plaintiff Edward A. Williams. A Bill of Costs is attached as Exhibit 1 in the amount of **\$1,110.90**.

1. Plaintiff filed this as-applied Second Amendment challenge to 18 U.S.C. § 922(g)(1) on June 1, 2017. (Doc. 1).
2. On September 14, 2017, defendants moved to dismiss (Doc. 5), and on October 13, 2017, plaintiff filed a pre-discovery motion for summary judgment (Doc. 9). On December 1, 2017, the Court denied both motions. (Doc. 13, 14).
3. After discovery, defendants filed their own motion for summary judgment on October 26, 2018. (Doc. 30). Plaintiff filed his own cross-motion for summary judgment on the same day. (Doc. 29). The parties thereafter filed oppositions and reply briefs.

4. The Court granted defendants' motion and denied plaintiff's motion on April 1, 2019. (Doc. 44).

5. Defendants copied 44 pages of exhibits to accompany the motion to dismiss briefing (44 pages x 1 copy = 44 pages total), consisting of the following:

- a. one to provide to the chambers of the Honorable Robert F. Kelly pursuant to the Policies and Procedures of the Hon. Robert F. Kelly (asking for courtesy copies of motion papers).

6. Defendants also copied 1,179 pages of exhibits to accompany the motion for summary judgment briefing (393 pages x 3 copies = 1,179 pages total), consisting of the following:

- a. one for filing with the Clerk of the Court (filed Under Seal);
- b. one to serve upon plaintiff's counsel; and
- c. one to provide to the chambers of the Honorable Robert F. Kelly pursuant to the Policies and Procedures of the Hon. Robert F. Kelly (asking for courtesy copies of motion papers).

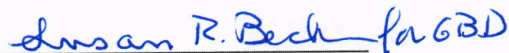
7. During the district court litigation, the defendants paid for transcripts of depositions, copies of documents used as exhibits, and service of subpoenas on third parties. The depositions listed in the itemized bill of costs were all necessary for the defendants' development of its case and its defenses asserted in pleadings and on summary judgment. Similarly, all copies of documents obtained and subpoenas on third parties were necessary for the defendants' development of its case and its defenses in pleadings and on summary judgment. All expenses listed herein are within the ambit of Federal Rule of Civil Procedure 54(d), and Local Rule 54.1(c)

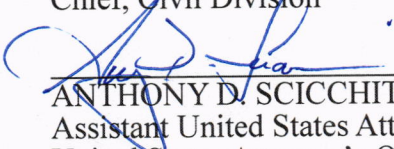
8. Defendants are entitled to tax the costs of copying and the appropriate cost of these copies is 15 cents per page. More than a decade ago, the Third Circuit recognized that most courts permitted “a rate of 10 to 15 cents per copy” for the taxation of copying costs. *Interfaith Cmty. Org. v. Honeywell Int’l, Inc.*, 426 F.3d 694, 717 (3d Cir. 2005). “Therefore, in line with the Court of Appeal’s guidance on reasonable reimbursement rates, the request for copying costs incurred during district court litigation at 15 cents per page is reasonable.” *Langbord v. United States Dep’t of the Treasury*, No. CV 06-5315, 2017 WL 3953954, at *4 (E.D. Pa. July 10, 2017).

9. Accordingly, at the rate of 15 cents per page, defendants request that the Clerk of the Court tax costs in favor of defendants in the amount of \$1,110.90. A Bill of Costs is attached as Exhibit 1.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney


GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

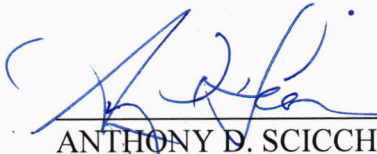

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Dated: April 15, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2019, I caused a true and correct copy of the foregoing Defendants' Notice of Request for Taxation of Costs to be served by the Court's CM/ECF system on:

Adam Kraut, Esquire
Joshua Prince, Esquire
Prince Law Offices, P.C.
646 Lenape Road
Bechtelsville, PA 19505



ANTHONY D. SCICCHITANO
Assistant United States Attorney